

### **REMARKS**

Reconsideration of this application is respectfully requested. Applicants would like to thank Examiner Kruer for the courtesy of the interview with Applicants' representative, Ping Wang, on January 8, 2010.

Upon entry of the foregoing Amendment, Claims 50-65 are pending in the application. Claim 53 has been amended and Claims 64 and 65 have been added. New Claims 64 and 65 are supported by Claims 50 and 53. No new matter has been introduced, and their entry is respectfully requested.

#### **Claim Rejection Under 35 U.S.C. § 112, First Paragraph**

Claim 53 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that there is no support for embodiment (ix) in the specification. Applicants respectfully traverse the rejection.

Claim 53 has been amended in the December 9, 2009 Response to recite a "blend of PP with a saturated styrenic block copolymer." The amendment is supported by the specification on page 4, lines 16-17.

In view of the foregoing, Applicants respectfully submit that the grounds of rejection have been obviated and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

**Claim Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claim 53 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that Claim 50, from which Claim 53 depends, requires the film to comprise components (a) and (b) and that it is not clear whether compositions (i) through (ix) are added to components (a) and (b) or further limit components (a) and (b). During the interview, the Examiner suggested deleting items (iv), (vii) and (viii). In order to expedite prosecution of this application, Applicants have amended Claim 53 to delete items (iv), (vii) and (viii).

In view of the foregoing, Applicants respectfully submit that the grounds of rejection have been obviated and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

**Claims Rejections Under 35 U.S.C. § 102**

Claims 50-63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Taniguchi et al. (WO 99/62987, English language equivalent U.S. 6,541,123 B1), (hereinafter “Taniguchi”) as evidenced by US 4,093,342. Applicants respectfully disagree.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In this case, the present independent Claim 50 is directed to a polyolefin single or multi-layer film, comprising at least one core layer comprising: (a) a polypropylenic (PP) component; and (b) a polyethylenic (PE) component or a polystyrenic (PS) component, wherein said film is so formed and biaxially oriented to have a dynamic loss modulus ( $E''$ ), measured at 3 Hz and 25°C, from about 28 MPa to about 136 MPa in the transverse direction (TD) and/or from about 73 MPa to about 135 MPa in the machine direction (MD), and a dynamic storage modulus ( $E'$ ), measured at 3 Hz and 25°C, from about 630 MPa to about 2800 MPa in the TD and/or from about 1300 MPa to about 3000 MPa in the MD.

In contrast, Taniguchi generally describes a polyolefin stretch packaging film. As detailed in the Responses filed August 27, 2009 and December 9, 2009, Taniguchi does not disclose a film having a dynamic storage modulus ( $E'$ ) of about 630-2800 MPa in the TD and/or of about 1300-3000 MPa in the MD, as recited in the instant Claim 50.

As discussed during the interview, although Taniguchi discloses a film with a storage modulus ( $E'$ ) up to  $1.5 \times 10^{10}$  dyn/cm<sup>2</sup> (col. 6, lines 36-42), the modulus was measured at a frequency of 10 Hz and at a temperature of 0°C. The claimed storage modulus ( $E'$ ), however, was measured at 3 Hz and 25°C. As noted in the Declaration of Dr. Taylor filed on August 27, 2009, the value of  $E'$  generally decreases when measured at increasing temperature (see page 2, paragraph 5 of the Declaration). This notion is also supported by Table 1 of Taniguchi, which shows that  $E'$  values measured at 20°C are much lower than  $E'$  values measured at 0°C. In addition, the Taniguchi modulus was measured at a frequency of 10 Hz. The claimed modulus was measured at a frequency of 3 Hz, which should also result in a lower measured modulus (see page 2, paragraph 5 of the Declaration). Accordingly, Taniguchi does not disclose “a dynamic

storage modulus ( $E'$ ), measured at 3 Hz and 25°C, from about 630 MPa to about 2800 MPa in the TD and/or from about 1300 MPa to about 3000 MPa in the MD,” as recited in claim 50.

The Examiner noted that “Taniguchi further teaches the blown film may be further oriented 1.2 to 5 times in each direction (col. 11, lines 12+). Dynamic storage modulus is known to increase with orientation.” (The Office Action, page 4, first paragraph). However, as agreed by the Examiner during the interview, Example 1 of Taniguchi shows an oriented film with a storage modulus of  $5.4 \times 10^9$  dyn/cm<sup>2</sup> at 0°C and  $4.8 \times 10^8$  dyn/cm<sup>2</sup> at 20°C, which is outside the claimed modulus range of from about 630 MPa to about 2800 MPa in the TD and/or from about 1300 MPa to about 3000 MPa in the MD, measured at 3 Hz and 25°C. Accordingly, it is clear and was agreed by the Examiner that the required modulus range of 50-500 MPa in Taniguchi refers to the modulus of oriented films.

Therefore, Taniguchi does not anticipate Claim 50 because it does not teach or suggest every element as set forth in the claim. Claims 51-63 are patentable over Taniguchi because they depend from Claim 50 and recite additional patentable subject matter.

In view of the foregoing, Applicants respectfully submit that the grounds for this rejection have been obviated and withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

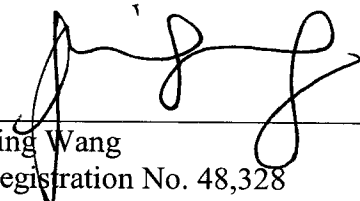
## CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to contact Applicants' counsel, Ping Wang, (Reg. No. 48,328), at 202.842.0217.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP



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Ping Wang  
Registration No. 48,328

1333 H Street, N.W.  
Suite 820  
Washington, D.C. 20005  
Telephone No. 202.842.0217  
Facsimile No. 202.408.5146